

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAYOMASHELL DAVID AGUILAR.

Case No. 3:12-cv-00315-MMD-VPC

**Petitioner.**

## ORDER

v.

WARDEN BAKER, et al.,

## Respondents.

Petitioner has submitted an unopposed motion for stay and abeyance (dkt. no. 50), asking the Court to stay this action until the Nevada Supreme Court has decided petitioner's appeal from the denial of a state habeas corpus petition. Good cause appearing, it is ordered that petitioner's unopposed motion for stay and abeyance (dkt. no. 50) is granted.

It is further ordered that this action is stayed pending exhaustion of the unexhausted claims. Petitioner shall return to this Court with a motion to reopen within forty-five (45) days of issuance of the remittitur by the Nevada Supreme Court at the conclusion of the state court proceedings. Further, petitioner or respondents otherwise may move to reopen the action and seek any relief appropriate under the circumstances.

It is further ordered that respondents' motion to dismiss (dkt. no. 36) is denied without prejudice to filing a renewed motion to dismiss after reopening of this action.

1        It further is ordered that the Clerk of Court shall administratively close this action  
2 until such time as the court grants a motion to reopen the action.

3                      DATED THIS 5<sup>th</sup> day of August 2014.



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5                      MIRANDA M. DU  
6                      UNITED STATES DISTRICT JUDGE  
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